

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

CORI RIGSBY and
KERRI RIGSBY

RELATORS

VERSUS

CIVIL ACTION NO. 1:06CV433-LTS-RHW

STATE FARM FIRE & CASUALTY COMPANY et al

DEFENDANTS

ORDER DENYING MOTION TO COMPEL

Before the Court is Relators' [604] Motion to Compel State Farm to answer to interrogatories. Specifically, Relators argue that State Farm should be required to identify each engineering report prepared by Forensic for which State Farm challenged or disputed the final written report because it improperly attributed the cause of damage to be wind instead of flood and to identify each engineering report prepared by Forensic for which State Farm challenged or disputed the final written report because it lacked sufficient scientific data, explanation, or analysis.

The Court previously denied a motion to compel on a similar request where Relators sought information regarding all reports by Forensic that State Farm had challenged in any way. In this latest attempt to compel discovery, Relators have drafted their request more narrowly. They seek evidence of a pattern or practice of rejecting engineering reports. Despite Relators most recent efforts, the Court finds that the motion to compel should be denied. As Judge Senter has explained, "the McIntosh claim is the only instance of State Farm's having submitted an allegedly false claim of which the Relator Kerri Rigsby had first hand knowledge." In order to prevent "a far ranging and expensive discovery process", Judge Senter limited the proceedings to the McIntosh claim. Consistent with Judge Senter's ruling, the undersigned finds that Relators'

request for altered and disputed engineering reports for properties, claims or lawsuits other than the McIntoshes is beyond the scope of discovery.

IT IS THEREFORE ORDERED AND ADJUDGED that the [604] Motion to Compel is DENIED.

SO ORDERED, this the 29th day of June, 2010.

s/ Robert H. Walker
UNITED STATES MAGISTRATE JUDGE